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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)

WATANABE et al.)

Art Unit 2112

Application Number: 09/870,630)

Examiner Myers,
Paul R.

Filed: June 1, 2001)

For: SIGNAL PROCESSING CIRCUIT)

Attorney Docket No. NITT.0017)

RECEIVED

OCT 01 2004

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. § 1.78(a)(3)

Sir:

This paper is a petition to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120 pursuant to 37 C.F.R. § 1.78(a)(3).

As to the requirement under 37 C.F.R. § 1.78(a)(3)(i), submitted concurrently herewith is a Supplemental Amendment requesting insertion of the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) requesting insertion before TECHNICAL FIELD on page 1 of the above-referenced application the following paragraph:

This application is a continuation of PCT Application Number PCT/JP98/05449 filed on December 3, 1998, which designates the United States, and claims priority therefrom under 35 U.S.C. § 120.

As to the requirement under 37 C.F.R. § 1.78(a)(3)(ii), a check for \$1,430.00 including the \$1,300.00 surcharge set forth in 37 C.F.R. § 1.17(t), and the petition fee of \$130.00 for the instant petition, together with an authorization to charge **Deposit Account Number 08-1480** in

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01 FC:1460 130.00 OP
09/28/2004 CCHAU1 00000087 081480 09870630
02 FC:1454 30.00 DA 1300.00 OP

RepIn. Ref: 11/30/2004 A33LE 0009195400
DAH:081480 Name/Haber 09870630
FC: 9204 130.00 CR

Instant date: 11/30/2004 AKELLEY
09/28/2004 CCHAU1 00000087 09870630
FC:1460 -130.00 OP

the concurrently submitted check is deficient as to payment of these or other required fees in relation to the filing of this paper.

As to the required statement under 37 C.F.R. § 1.78(a)(3)(iii), it is respectfully submitted that the entire delay between the date the aforementioned claim for priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and date of the concurrently filed Request For Priority Under 35 U.S.C. § 120, the claim for priority, and the concurrently filed Supplemental Amendment adding the claim for priority to the specification of the above referenced application was unintentional and due to an administrative oversight at the time of the original filing of the above-referenced application on June 1, 2001.

In view of the foregoing, Applicants are respectfully requesting that the Commissioner (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the above referenced application the claim of priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998, which designates the United States, and claims priority therefrom under 35 U.S.C. § 120.

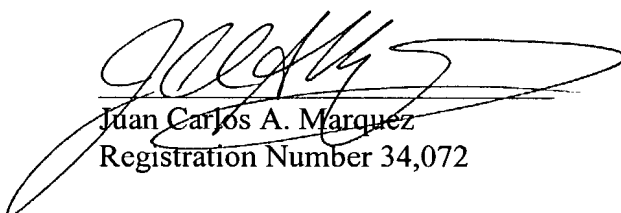
It is respectfully noted that on September 21, 2004, a phone conference was had with Petitions Examiner Hicks, in relation to the filing of the instant petition and the concurrently filed Supplemental Amendment and Request For Priority Under 35 U.S.C. § 120, the claim for priority, to properly claim priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998. This assistance of the Examiner is greatly appreciated.

Wherefore, Applicants respectfully submit that they have fulfilled all of the requirements of 37 C.F.R. § 1.78(a)(3), and respectfully request that the instant Petition to Accept Unintentionally Delayed Claim For Priority Pursuant to 37 C.F.R. § 1.78(a)(3) be granted, and that the aforementioned claim for priority be accepted.

If additional fees are required or the concurrently submitted check is deficient for payment of any fees required in relation to filing this paper, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

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September 27, 2004

UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>11/24/04</u>		2 Serial/Patent # <u>09/870630</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
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<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
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11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Sherry D. Brinkley</u>		TITLE: <u>Pet. Examiner</u>									
SIGNATURE: <u>Sherry D. Brinkley</u>		PHONE: <u>23204</u>									
OFFICE: <u>Pet. Div.</u>											
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APPROVED: <u>Alicia Keller</u>		DATE: <u>11/30/04</u>									

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